

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-19549 - APPLICANT/OWNER: CAROLYN MICH'L ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Variance (VAR-5124) shall expire on December 15<sup>th</sup>, 2007 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Variance (VAR-5124) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of an approved Variance (VAR-5124) to allow 0.44 acres of open space where 0.66 acres is the minimum required for a proposed 40-lot single-family residential development on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road.

The extension of time request is due to the applicant switching builders for the project and contamination of groundwater at the subject property. The applicant is working toward cleaning the groundwater on the site; however, this project could move on to the Tentative Map stage to keep progressing. Approval of this request with a one year time limit is recommended. It is noted that two other Extensions of Time (EOT-19548 and EOT-18785) related to this project shall be heard concurrently with this item.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/16/01	The City Council approved a request (GPA-0006-01) to amend the Southwest Sector Plan of the General Plan for this property from SC (Service Commercial) to GC (General Commercial). The Planning Commission recommended denial on 04/12/01.
05/16/01	The City Council approved a request for Rezoning (Z-0014-01) of the subject property from C-1 (Limited Commercial) to C-2 (General Commercial); a Special Use Permit (U-0040-01) for a minor auto repair garage with service bays that face a public right-of-way; a Special Use Permit (U-0041-01) for a boat and trailer dealership; a Special Use Permit (U-0042-01) for used motor vehicle sales; and a Site Development Plan Review [Z-0014-01(1)] for a proposed 11,400 square-foot building. The Planning Commission had no recommendation for these applications at its 04/12/01 meeting because it had recommended denial of an accompanying application for a General Plan Amendment (GPA-0006-01).
08/06/03	The City Council approved an Extension of Time (EOT-2448) on an approved Special Use Permit (U-0040-01) for a Minor Auto Repair Garage with service bays that face a public right-of-way. The Planning Commission recommended approval of the application on 07/10/03, and the staff recommended denial of the application on the same date.

12/03/03	The City Council approved an Extension of Time (EOT-3126) on an approved Special Use Permit (U-0041-01), which allowed a new and used boat and trailer dealership; an Extension of Time (EOT-3127) on an approved Special Use Permit (U-0042-01), which allowed used motor vehicle sales; an Extension of Time (EOT-3230) on a request for Rezoning (Z-0014-01) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-2 (General Commercial); and a Site Development Plan Review [Z-0014-01(1)] which allowed an 11,400 square foot commercial building. The Planning Commission recommended approval on 11/06/03, and the staff recommended denial on the same date.
12/15/04	The City Council approved a General Plan Amendment (GPA-5124) to reclassify the subject property from GC (General Commercial) to ML (Medium-Low Density Residential), a Rezoning (ZON-5121) the subject property from C-2 (General Commercial) to R-PD8 (Residential Planned Development - 8 Units Per Acre), a Variance (VAR-5124) to reduce the open space requirement, and a Site Development Plan Review (SDR-5122) for a proposed 40-lot single-family residential development on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002). The Planning Commission recommended approval on 10/07/04. Staff recommended denial.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	5.0

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) [ML (Medium Low Density Residential) land use designation] under Resolution of Intent to R-PD8 (Residential Planned Development – 8 Units per Acre)
North	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

West	Commercial Undeveloped	SC (Service Commercial)	C-2 (General Commercial)  R-E (Residence Estates)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200-foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

<i>Open Space</i>							
<i>Total Acreage</i>	<i>Density</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Ratio</i>	<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
Five Acres	8 Units per Acre	1.65	13.2 %	28,750 SF	8.8 %	19,201 SF	N

## ANALYSIS

This is the first request for an extension of time on the subject property. The applicant has changed builders, which resulted in a delay. Additionally, the underground water at this site is contaminated. The applicant is in the process of cleaning the groundwater. This set of applications could move on to the Tentative Map stage to continue progress with the proposed project. Approval of this request with a one year time limit is recommended.

### Conditions of approval from VAR-5124

1. Approval of and conformance to the Conditions of Approval for an amendment to the General Plan (GPA-5120), Rezoning (ZON-5121), and a Site Development Plan Review (SDR-5122).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

## **FINDINGS**

Approval of the original Variance (VAR-5124) was granted on 12/15/04. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0